



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP

Docket No. 6846-99

7 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Pfeiffer and Mr. Whitener, and Ms. Schnittman reviewed Petitioner's allegations of error and injustice on 2 February 2000, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 24 July 1998 for four years as an SN (E-3). At that time, he extended his enlistment for an additional period of 24 months in exchange for training in the advanced electronics field and accelerated promotion to pay grade E-4.

d. On 7 August 1998, Petitioner was referred to the recruit mental health unit because of enuresis. He reported a history of enuresis from early childhood until age 10, but denied any incidents since that time. He felt that the current episodes of enuresis probably were due to anxiety. He stated that since coming on active duty, he had experienced fear of failure, and had urinated twice in his bed and once on himself while in ranks. He was diagnosed with enuresis, a condition existing prior to service and not due to a medical problem. Entry level separation was recommended due to this "disqualifying psychiatric condition."

e. On 11 August 1998, Petitioner was notified that administrative separation was being considered by reason of defective enlistment and induction due to erroneous enlistment as evidenced by enuresis. He was advised of his procedural rights but he declined to consult with counsel and waived his right to have the case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous enlistment. Petitioner was so discharged on 17 August 1998 and assigned an RE-4 reenlistment code.

f. Regulations authorize the assignment of an RE-3E or RE-4 reenlistment code to individuals who are discharged by reason of an erroneous enlistment. An RE-3E reenlistment code means that the individual is eligible for reenlistment except for the disqualifying factor which led to the discharge. An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval from the Commander, Navy Military Command.

g. Petitioner asserts that he was incorrectly diagnosed and never had a weak bladder. He provides a letter from a physician's assistant (PA) which states that a comprehensive evaluation revealed no bladder abnormalities. The PA stated that Petitioner told him he was discharged because he urinated too frequently. Petitioner claimed he was told to drink every 20 minutes, and this caused his frequent urination.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable

action. In this regard, the Board notes Petitioner had no performance or disciplinary problems during his short period of service. The Board has no way of evaluating Petitioner, but even though he provides evidence that he had no bladder problem, the basis for the diagnoses of enuresis was psychiatric and not medical. However, since Petitioner had no problems in recruit training aside from his enuresis, the Board believes that it would be appropriate and just to change his reenlistment code to RE-3E to correspond with the reason for his separation. This code may be waived to allow enlistment at a later date if Petitioner can convince recruiting medical authorities that the diagnosis of enuresis at the time of his discharge was erroneous, or that he no longer suffers from this malady.

RECOMMENDATION:


a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 17 August 1998, to RE-3E. This should include the issuance of a new DD Form 214.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

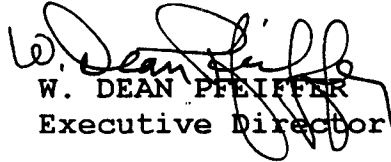
ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of

Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director